

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

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James Mark Vogel,

Plaintiff,

vs.

ORDER ADOPTING
REPORT AND RECOMMENDATION

Department of Corrections
Commissioner Joan Fabian,

Defendant.

Civ. No. 08-1354 (PJS/RLE)

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Based upon the Report and Recommendation of United States Magistrate Judge Raymond L. Erickson, and after an independent review of the files, records and proceedings in the above-titled matter, **IT IS ORDERED:**

That the Petition for Writ of Habeas Corpus [Docket No. 1] is dismissed, as untimely.

Dated: 7/31/08

s/Patrick J. Schiltz

Patrick J. Schiltz

United States District Judge